

# Central Region Review



## U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ OCTOBER 2000 ★

★ REGIONS VI & VII ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in Federal Regions VI and VII. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil> under "Regional Offices." Please contact Diane Faile at 816-983-3444 or e-mail [diane.m.faile@usace.army.mil](mailto:diane.m.faile@usace.army.mil) if you have any questions or to be added to our mailing list.

## CONTENTS

General Information	1
Assistance Information	1
Training Information	2
Conferences and Seminars	4
Federal Actions	5
Region VI State Activity – Arkansas	7
Region VI State Activity – Louisiana	7
Region VI State Activity – New Mexico	8
Region VI State Activity – Oklahoma	8
Region VI State Activity – Texas	8
Region VII State Activity – Iowa	10
Region VII State Activity – Kansas	11
Region VII State Activity – Missouri	13
Region VII State Activity – Nebraska	14

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## GENERAL INFORMATION

**Emergency Planning and Community Right-to-Know Act 313 Reporting Year 1998 Public Data Release Published.** The 1998 Toxics Release Inventory (TRI) Public Data Release Report (EPA745-R-00-007, September 2000) has been published on the Internet at <http://www.epa.gov/tri/tri98/pdr/index.htm>. The report provides detailed analyses and supporting tables for TRI releases and other waste management; an overview of the seven new industry sectors reporting to TRI for the first time in 1998; an analysis of the geographic distribution of TRI releases and other waste management; an analysis of interstate and intrastate transport of TRI chemicals in the United States; and other information relating to TRI data.

## ASSISTANCE INFORMATION

**Hazardous Waste Combustion National Emission Standards for Hazardous Air Pollutants (NESHAP) Toolkit.** The U.S. EPA has released the Hazardous Waste Combustion NESHAP Toolkit on the Internet at <http://www.epa.gov/epaoswer/hazwaste/combust/toolkit/toolkit.htm>. The toolkit provides implementation guidance and other materials related to the final regulation titled NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 *Federal Register* [FR] 52828, 30 September 1999). The toolkit's

primary focus is on general and process-oriented information, and includes (1) descriptions of Resource Conservation and Recovery Act (RCRA) and Clean Air Act (CAA) permitting requirements and policies, (2) a time line of important compliance dates, (3) a list of affected facilities or sources, (4) links to related Web sites, (5) a list of RCRA and CAA regulatory contacts, and (6) commonly used acronyms. The toolkit does not provide guidance on any technical requirements associated with the rule (e.g., test methods, monitoring techniques, etc.). *For specific information related to the toolkit, please contact Rosemary Workman, U.S. EPA, at (703) 308-8725 or e-mail [workman.rosemary@epa.gov](mailto:workman.rosemary@epa.gov). For specific questions related to the final rulemaking for the new standards, please contact David Hockey, U.S. EPA, at (703) 308-8846 or e-mail [hockey.david@epa.gov](mailto:hockey.david@epa.gov).*

## TRAINING INFORMATION

**Watershed 101: Clean Water Act Tools for Watershed Protection.** This course is scheduled for **11-12 October 2000** in **Kansas City, Kansas**. There is no cost, but attendance is limited to 50 people. *If you wish to attend, please contact Ken Bruene, U.S. EPA, at (913) 551-7142 or e-mail [bruene.ken@epa.gov](mailto:bruene.ken@epa.gov); or Sue Belvill, U.S. EPA, at (913) 551-7788 or e-mail [belvill.sue@epa.gov](mailto:belvill.sue@epa.gov).*

**Interagency Continuing Education in Ecosystem Management (CEEM) Program.** The CEEM Program was initially developed to better prepare natural resource professionals to meet the challenges of implementing ecosystem management in the present and into the future. CEEM is open to participation from any interested federal or state agency. CEEM consists of four modules, each two weeks in duration. Applicants must plan to complete all four modules in sequence. Module I, Bio-physical and Human Dimensions of Ecosystems, will be held **16-27 October 2000** at Utah State University in **Logan, Utah**. Module II, Structure and Function of Ecological and Social Systems, will be held **27 January – 9 February 2001** at Northern Arizona University in **Flagstaff, Arizona**. Module III, Integrated Inventory, Analysis and Assessment of Ecosystems, will be held **2-13 April 2001** at Colorado State University in **Fort Collins, Colorado**. Module IV, Ecosystem Management Implementation, will involve participants in teams developing an ecosystem management assessment for an actual landscape. The module will be completed by **15 July 2001**. *For further information about the program, please contact Professor James Long, Utah State University, College of Natural Resources, at (435) 797-2574, or e-mail [fakpb@cc.usu.edu](mailto:fakpb@cc.usu.edu).*

**10th Compost Facility Operator Training Program.** The Louisiana State University Agricultural Center, Environmental Programs Division will conduct this course in **mid-October 2000** in **Baton Rouge, Louisiana**. The program will include classroom lectures as well as field training with windrow and aerated static pile composting systems. The course is designed to train participants who will manage and operate compost facilities, who want to learn the basics of composting and who want to experience real composting operations. Completion of the course should prepare operators for state certification. *For further information, please e-mail Bill Carney, Environmental Science Division, Louisiana State University Agricultural Center, at [bcarney@agctr.lsu.edu](mailto:bcarney@agctr.lsu.edu).*

**Sustainable Design and Development (SDD) Training.** The U.S. Army Corps of Engineers (USACE) will present SDD workshops for USACE Districts and major Army command installation personnel. SDD incorporates the energy concerns of the 1970s with the new concerns. This includes damage to the natural environment, emissions of greenhouse gases and ozone depleting chemicals, use of limited material resources, management of water as a limited resource, reductions in waste, indoor environmental quality, and occupant/worker health, productivity and satisfaction. Workshops are scheduled as follows:

- |                               |                                 |
|-------------------------------|---------------------------------|
| • <b>17-19 October 2000</b>   | <b>Fort Worth, Texas</b>        |
| • <b>14-16 November 2000</b>  | <b>Tulsa, Oklahoma</b>          |
| • <b>9-11 January 2001</b>    | <b>Kansas City, Kansas</b>      |
| • <b>January – March 2001</b> | <b>Albuquerque, New Mexico.</b> |

*For more information, please contact Jimmy Baggett at (817) 978-2054, ext. 1 for the Texas workshop; Kerry Ingram at (918) 669-7004 for the Oklahoma workshop; John Bourdo at (816) 983-3236 for the Kansas workshop. A POC for the New Mexico workshop has not been determined. You may also contact one of the following POCs at USACE or OACSIM: Harry Goradia at (703) 428-6460 or e-mail [mailto:harry.goradia@hq02.usace.army.mil](mailto:mailto:harry.goradia@hq02.usace.army.mil); David Bohl at (202) 761-1497 or e-mail [mailto:david.c.bohl@usace.army.mil](mailto:mailto:david.c.bohl@usace.army.mil); or John Scharl at (703) 428-7614 or e-mail [scharja@hqda.army.mil](mailto:scharja@hqda.army.mil).*

**Pollution Prevention Workshop.** The Texas Natural Resources Conservation Commission (TNRCC) is hosting a Pollution Prevention Workshop **19-20 October 2000** in **Houston, Texas**. The workshop is geared toward those

subject to reporting under the Waste Reduction Policy Act, including large and small quantity generators and TRI-Form R Reporters. The workshop will include discussion of the law's requirements, your plan's requirements, and how to do annual progress reports. Information about the workshop is available at <http://www.srwrm.org/>. For more information, please contact Ana Hunter, TNRCC, at (512) 239-3151 or e-mail <mailto:ahunter@tnrcc.state.tx.us> or contact Diane Stallings, TNRCC, at (512) 239-6333 or e-mail [dstallin@tnrcc.state.tx.us](mailto:dstallin@tnrcc.state.tx.us).

**TNRCC Upset/Maintenance Rules and Tools Workshop.** This is a workshop to explain the revised upset/maintenance rules and help facilities start their own in-house programs to reduce emissions from process upsets and maintenance activities. Information about the workshop is available at <http://www.tnrcc.state.tx.us/exec/oppr/p4/p4workshops.html>. The workshop will be held **26 October 2000** in **Corpus Christi, Texas**. For further information about workshop content, please call Bob Gifford, TNRCC, at (512) 239-3149, fax to (512) 239-3165, or e-mail [rgifford@tnrcc.state.tx.us](mailto:rgifford@tnrcc.state.tx.us). For further information about registration, please call Paula Callaway, TNRCC, at (512) 239-6323, fax to (512) 239-3165, or e-mail [pcallawa@tnrcc.state.tx.us](mailto:pcallawa@tnrcc.state.tx.us).

**Air Quality Management Course.** The Air Force Institute of Technology (AFIT) is offering a non-tuition, one-week course designed for air quality managers in all Defense Services. The course provides discussions of technical and regulatory issues including compliance, emission inventories and processes, sampling and analysis, permitting, pollution prevention and waste reduction strategy, control technology, NESHAPs, conformity and risk management rules, and ozone-depleting compounds. Upcoming offerings are scheduled for **13-17 November 2000** and **4-8 June 2001**. Registration details, schedule updates and further course information is available on the AFIT Web site at <http://cess.afit.af.mil/>. For further information, please contact Lawrence Webber at [lawrence.webber@aec.apgea.army.mil](mailto:lawrence.webber@aec.apgea.army.mil) or Susan Thomas at [susan.thomas@aec.apgea.army.mil](mailto:susan.thomas@aec.apgea.army.mil).

**Permanent Pollution Prevention Planning Workshops.** These workshops, hosted by TNRCC, are being held **15 November 2000** and **13 December 2000** in **Arlington, Texas**. For more information, please call TNRCC at (512) 239-6326.

**Hazardous Waste Management and Manifest Refresher Course.** This workshop provides general awareness/familiarization and function-specific training pertaining to the requirements of U.S. Department of Transportation Hazardous Materials Regulations, including identification of proper shipping name; hazard class; and marking, labeling, packaging and placarding requirements. The intent is to fulfill the recurrent training requirements in 40 Code of Federal Regulations (CFR) 172, Subpart H. The course is listed as an approved U.S. Department of Defense (DoD) training course. The course is open to all federal agencies. Session dates are as follows:

- **15-16 November 2000**                      **Omaha, Nebraska**
- **1-2 August 2001**                              **Omaha, Nebraska.**

To reserve a space in a workshop session or to obtain additional information, please contact Joy Rodriguez at (256) 895-7448. For information pertaining to the course, please contact Sandi Zebrowski at (402) 697-2562 or e-mail [sandi.m.zebrowski@usace.army.mil](mailto:sandi.m.zebrowski@usace.army.mil).

**Eleventh Annual International Workshop on Solvent Substitution and the Elimination of Toxic Substances and Emissions.** This workshop is planned for **11-14 December 2000** in **Scottsdale, Arizona**. The workshop will provide (1) an assessment of solvent substitution techniques/technologies in the workplace and in manufacturing processes, including a session on n-propyl bromide, (2) briefings on new and possibly conflicting regulatory requirements governing toxic emissions and the use of solvents in the workplace, (3) an update on the development of verifiable performance standards, (4) information on innovative techniques/technologies/solvents for coating application and removal, paint stripping, vapor degreasing, precision cleaning and manufacturing, (5) updates on new industry-specific NESHAPs and compliance with NESHAP regulations, (6) first-hand reports on in-field application/use of solvent substitutes and technologies and putting in place effective management processes, (7) progress report and assessment of initiatives to incorporate pollution prevention/solvent substitution requirements into the DoD and industry acquisition, procurement and supply chain, (8) an update and workshop on useful and free Internet tools to aid in decisionmaking, and (9) a review of technologies and techniques to determine "how clean is clean." There also will be a special 2000 Solvent Substitution Exhibit and Vendor Workshops. For further information, please contact Exchange/Monitor Publications & Forums at (202) 296-2814, ext. 26, or fax to (202) 296-2805.

**Army's Defense Environmental Restoration Program (DERP) Workshop.** The U.S. Army Environmental Center is hosting the Army's DERP 2000 Workshop in **New Orleans, Louisiana**, on **12-14 December 2000**. The central theme, Cleanup – Restoring the Past, Protecting the Future, showcases the military's continued emphasis on

sound environmental stewardship and improvement of the Restoration Program. Army, Navy, Air Force and DoD personnel, as well as members of other federal agencies, are invited to attend this unclassified workshop. Federal contractors, academia, and industry personnel are welcome to attend if giving a presentation or exhibiting technologies. The workshop Web site is at <http://www.ttclients.com/derp/>. For further information, please contact Ms. Clare at (703) 390-0654, fax to (703) 391-5876, or e-mail [claret@ttemi.com](mailto:claret@ttemi.com).

## CONFERENCES AND SEMINARS

**U.S. EPA Region VI Pollution Prevention Conference.** This conference will be held in **January 2001** in **Dallas, Texas**. For further information, please contact Eli Martinez, U.S. EPA Region VI, at (214) 665-2119.

**Tri-State Recycling Conference.** The Iowa Recycling Association, Iowa Society of Solid Waste Operations, and Nebraska State Recycling Association are jointly hosting the Tri-State Recycling Conference, "Conservation Through Cooperation," on **4-6 October 2000** in **Council Bluffs, Iowa**. For further information, please contact Garth Fable at (515) 265-1596 or e-mail [frable3r@aol.com](mailto:frable3r@aol.com).

**Texas Recycling Summit – Coalition 2000.** TNRCC is co-organizing the Texas Recycling Summit – Coalition 2000, which is scheduled for **14-18 October 2000** in **Houston, Texas**. Features of the summit include (1) buy recycled, (2) clean air, (3) resource management, (4) purchasing strategies, (5) compost experts, (6) legislative issues, and (7) expanded trade show. Information about accommodations, exhibitors, and exhibitor registration is available at <http://www.texasrecyclingsummit.com/>.

**2000 Interstate Technology and Regulatory Cooperation (ITRC) Working Group Fall Conference.** The ITRC 2000 Fall Conference – New Environmental Technologies and Market Opportunities will be held **16-20 October 2000** in **San Antonio, Texas**. This conference will include an audience of state environmental officials; federal representatives from U.S. EPA, DoD and the U.S. Department of Energy; and industry and citizen stakeholders. The conference will provide an opportunity for the exchange of information on new technologies, planning and management. At the conclusion of the conference, the ITRC will announce those areas in which work teams will be formed for 2001.

**Oklahoma Department of Environmental Quality (ODEQ) Open Forum.** ODEQ's Air Quality Division will host an open forum for the regulated community and the general public on **18 October 2000** in **Oklahoma City, Oklahoma**, to answer any questions that might be of interest. A notice of the finalized time (currently scheduled for 1:00 p.m.) will be posted on ODEQ's Web site at <http://www.deq.state.ok.us/>, or you can call (405) 702-4100. The forum panel will consist of staff members from all of the sections within the Division, including compliance/enforcement, permits, monitoring, technical resources and administration.

**2000 New Mexico Environmental Health Conference.** The 2000 New Mexico Environmental Health Conference, to be held **23-25 October 2000** in **Albuquerque, New Mexico**, will continue with the theme of the past four years: "Sustainable Partnerships for Healthy Communities." The conference is organized around a number of major topic tracks: (1) Water Resources, (2) Waste Management, (3) Food Protection, (4) Public Health, (5) Air Quality, (6) Technology Deployment Initiative, and (7) the WERC Education and Research Forum. Information about the conference is available at <http://www.nmehc.org/>. You may also contact Tom Duker, Conference Chairman, at (505) 924-3667, fax to (505) 924-3684, or e-mail [tduker@mercury.bernco.gov](mailto:tduker@mercury.bernco.gov).

**DoD Cleanup Summit.** The DoD Cleanup Summit will be held in **St. Louis, Missouri**, on **14-16 November 2000**. A point of contact (POC) has not been determined.

**National Environmental Innovations Symposium.** The States, U.S. EPA and others will be gathering in **Kansas City, Missouri**, to discuss environmental innovations taking place throughout the country. On **5 December 2000**, the States will hold a hands-on workshop to discuss progress under the 1998 State/U.S. EPA Innovations Agreement. On **6-7 December 2000**, the U.S. EPA, in partnership with the States and the Council for Environmental Excellence in Government, will host the Symposium. This event, which will be open to all interested parties, will feature a variety of innovations taking place in State and U.S. EPA programs. The goal is to take stock of the lessons learned from these innovations and to encourage participants to apply what they learn in their own areas of responsibility. For further information, please contact Ken Zarker at [kkzarker@tnrcc.state.tx.us](mailto:kkzarker@tnrcc.state.tx.us).



**Army Worldwide Environmental and Energy Conference.** This conference will be held **5-7 December 2000** in **Atlanta, Georgia**. Agenda topics include (1) Environmental Campaign Plan and the Operational Directive (outcome of the Senior Environmental Leadership Conference), (2) energy management, (3) installation topics such as ecosystem management, land use, Native Americans, compliance, outreach, relationships with regulators, and pollution prevention, and (4) sustainable range management (e.g., unexploded ordnance, integrated training area management). The agenda is currently being planned. For more information, please contact Pamela Klinger, U.S. Army Environmental Center, at (410) 436-1560 or e-mail [pmklinge@aec.apgea.army.mil](mailto:pmklinge@aec.apgea.army.mil).

**Kansas Department of Health and Environment (KDHE) Household Hazardous Waste Conference.** This conference will be held **31 January – 2 February 2001** in **Topeka, Kansas**. For more information, please contact Cathy Colglazier, KDHE, Bureau of Waste Management, at (785) 291-3510.

**KDHE Recycling and Composting Works! Conference.** This conference is being held **20-22 March 2001** in **Hays, Kansas**. For more information, please contact Cathy Colglazier, KDHE, Bureau of Waste Management, at (785) 291-3510.

**TNRCC Environmental Trade Fair and Conference.** This conference is being held **30 April – 2 May 2001** in **Austin, Texas**. For further information, please contact TNRCC at (512) 239-3150.

## FEDERAL ACTIONS

### U.S. CONGRESS

**Senate Committee Passes Methyl Tertiary Butyl Ether (MTBE) Ban.** The Senate Environment and Public Works Committee voted to ban the gasoline additive MTBE. MTBE is added to gasoline to make it burn more cleanly, but can also pose risks to drinking water. Senate Bill 2962 requires the phase out of MTBE within four years, and gives states the choice to opt out of the CAA's oxygenate requirement. The Committee also approved provisions ensuring air quality, including a limit on the use of increased aromatics – the highly polluting fuel components refiners could use to replace MTBE's octane benefits. The next step is for Congress to send legislation to the President that phases out MTBE. For further information regarding MTBE, please visit <http://www.mtbepollution.com/>.

### U.S. EPA FINAL RULES

**Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology (RACT) for Major Stationary Sources of Nitrogen Oxides (NOx) in the Houston/Galveston (H/GA), Beaumont/Port Arthur (B/PA), and Dallas/Fort Worth (D/FW) Ozone Nonattainment Areas (65 FR 53172; 1 September 2000).** The U.S. EPA is taking direct final action on revisions to the Texas State Implementation Plan (SIP). The rulemaking covers three separate actions: (1) converting U.S. EPA's conditional approval of the Texas NOx rules for the H/GA and B/PA ozone nonattainment areas to a full approval as RACT, (2) approving as RACT, revisions to the NOx rules for lean burn, stationary, reciprocating internal combustion engines in the B/PA, H/GA and D/FW ozone nonattainment areas, and (3) approving revisions to the NOx rules for major stationary sources in the D/FW ozone nonattainment area, as meeting RACT. The U.S. EPA is approving these SIP revisions to regulate emissions of NOx as meeting the NOx RACT requirements of the federal CAA. The effective date of this rule is 31 October 2000. For further information, please contact Alan Shar, U.S. EPA Region VI, at (214) 665-6691.

**Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Volatile Organic Compounds (VOCs), Transfer Operations, Loading and Unloading of VOCs (65 FR 53595; 5 September 2000).** The U.S. EPA is taking direct final action on revisions to the Texas SIP. These revisions concern Control of Air Pollution from VOC Transfer Operations, specifically, the loading and unloading of VOCs from gasoline terminals and bulk plants in the ozone nonattainment areas and in the eastern half of Texas. The effective date of this rule is 6 November 2000. For further information, please contact Alan Shar, U.S. EPA Region VI, at (214) 665-6691.

## U.S. EPA PROPOSED RULES

### **Amendments to the Corrective Action Management Unit (CAMU) Rule (65 FR 51079; 22 August 2000).**

The U.S. EPA proposed amendments to the regulations governing CAMUs. These proposed amendments concern (1) the types of wastes that may be managed in CAMUs, (2) the design standards that apply to CAMUs, (3) the treatment requirements for wastes placed in CAMUs, (4) information submission requirements for CAMU applications, (5) responses to releases from CAMUs, and (6) public participation requirements for CAMU decisions. In addition, the proposed amendments would "grandfather" certain categories of CAMUs and create new requirements for CAMUs used only for treatment and storage. Comments on the proposed rule will be accepted until 23 October 2000. *For further information, please contact Bill Schoenborn, U.S. EPA, at (703) 308-8483, or e-mail [schoenborn.bill@epamail.epa.gov](mailto:schoenborn.bill@epamail.epa.gov).*

**REC Comment:** It is not anticipated that this rule will have much impact on the Army, as the Army is not using CAMUs very much currently. The proposed CAMU amendments relate only to cleanups involving RCRA hazardous wastes. Impacts are anticipated wherever hazardous wastes will be "generated" during the course of remediation such that land disposal restrictions and/or minimum technology requirements would ordinarily apply. This rule will affect cleanup sites requiring a CAMU designation after the effective date of this rule. Impacts also are expected at sites where CAMU applications (or the equivalent) are pending, but which were not substantially complete as of the date of this proposal, 22 August 2000. Due to grandfathering provisions contained in the proposed rule, impacts are not anticipated for sites with existing CAMU designations.

### **Approval and Promulgation of Implementation Plans; State of Missouri (65 FR 51564; 24 August 2000).**

The U.S. EPA is proposing to approve a statewide NO<sub>x</sub> rule to reduce emissions of NO<sub>x</sub> and establish an NO<sub>x</sub> emissions trading program for the state. This rule is a critical element in the state's plan to attain the ozone standard in the St. Louis ozone nonattainment area. Comments must be received by 23 October 2000. *For further information, please contact Kim Johnson, U.S. EPA, at (913) 551-7975.*

**Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems; Analytical Methods for List 2 Contaminants and Clarifications (65 FR 55361; 13 September 2000).** The U.S. EPA published the Revisions to the UCMR for public water systems in September 1999, which included lists of contaminants for which monitoring was required or would be required in the future. These lists included List 2 for contaminants with methods that were being refined. This rule proposes analytical methods for 14 contaminants on List 2, and proposes requiring monitoring for those contaminants in drinking water. The U.S. EPA also proposes modifications to the UCMR that affect the implementation of monitoring for both List 1 and List 2 contaminants. *For technical information regarding everything but the analytical methods, please contact Charles Job, U.S. EPA, at (202) 260-7084. For technical information regarding the analytical methods, please contact David Munch, U.S. EPA, at (513) 569-7948 or e-mail [Munch.Dave@epa.gov](mailto:Munch.Dave@epa.gov).*

## U.S. FISH AND WILDLIFE SERVICE (USFWS) ACTION

### **Extension of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for Wintering Piping Plovers (65 FR 52691; 30 August 2000).**

USFWS is announcing the availability of the draft economic analysis for the proposed critical habitat for the wintering population of the piping plover. The agency also is providing notice that the public comment period for the proposal has been extended to 30 October 2000. The proposed designation of critical habitat units in eight states, including Louisiana and Texas, has potential impact on coastal Army installations. In Texas, units 6 – 12 occur in the same county, Nueces, as Corpus Christi AD (ARNG). In Louisiana, proposed critical habitat does not occur on any Army installations. *For further information, please contact Lee Elliott, USFWS, at (361) 994-9005.*

## REGION VI STATE ACTIVITY

### Region VI State Agency Web Sites

Arkansas Department of Environmental Quality	<a href="http://www.adeq.state.ar.us/">http://www.adeq.state.ar.us/</a>
Louisiana Department of Environmental Quality	<a href="http://www.deq.state.la.us/">http://www.deq.state.la.us/</a>
New Mexico Environment Department	<a href="http://www.nmenv.state.nm.us/frhome.html">http://www.nmenv.state.nm.us/frhome.html</a>
Oklahoma Department of Environmental Quality	<a href="http://www.deq.state.ok.us/">http://www.deq.state.ok.us/</a>
Texas Natural Resources Conservation Commission	<a href="http://www.tnrcc.state.tx.us/">http://www.tnrcc.state.tx.us/</a>

## ARKANSAS

## Legislative/Regulatory Activity

### STATE OF ARKANSAS PROPOSED RULES

**Creation of Illegal Waste Dump Eradication Program (Regulation 11).** The Arkansas Department of Environmental Quality (ADEQ) is proposing a change to Regulation 11 that will add a section for an illegal waste dump eradication program. The proposal also exempts the previously regulated fees from out-of-state transporters of solid waste from the landfill post-closure trust fund and makes various other changes to the regulation. After holding a public hearing and receiving comments in 1998, the Department decided to redraft the proposal. A public hearing has been held on the new proposal, and the comment period has closed. *For further information, please contact Pat Henry, ADEQ, at (501) 682-0588.*

**Amendment to Definition of "Facility" (Regulation 23).** ADEQ is proposing to amend its hazardous waste rules to make its definition of "facility" include a facility owner as a responsible party for purposes of corrective action. The Department is proposing this revision at the request of the U.S. EPA to make the rules as stringent as federal requirements. A public hearing has been held and comments will be accepted until 10 October 2000. *For further information, please contact Tom Ezell, ADEQ, at (501) 682-0876.*

## LOUISIANA

## Legislative/Regulatory Activity

### STATE OF LOUISIANA FINAL RULES

**Rules and Regulations for the Fee System of the Air Quality Control Program (Louisiana Administrative Code [LAC] 33:III.223).** The Louisiana Department of Environmental Quality (LDEQ) has adopted changes to its fee schedule listing. The purpose of the proposal was to incorporate fees for industry categories not previously in the Fee Schedule, but for which fees have previously been established under the negotiated fee procedures of the fee regulations.

**Control of Emissions from Motor Vehicles (LAC 33:III.Chapter 19).** LDEQ has repealed regulations on the control of emissions from motor vehicles and related fees.

**Update of Incorporation by Reference of Federal Water Rules (LAC 33:IX.2301, 2531, 2533).** LDEQ has updated its incorporation by reference of federal National Pollutant and Discharge Elimination System regulations. The proposal will reference the 1999 edition of the CFR rather than the 1998 edition. The effective date of this rule was 20 August 2000. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

### STATE OF LOUISIANA PROPOSED RULES

**Adoption by Reference – New Source Performance Standards (NSPSs) (LAC 33:III.3003).** LDEQ is proposing adopting by reference NSPSs for the following test methods: (1) Method 52, Determination of Low Level Particulate Matter from Stationary Sources, and (2) two Test Methods for Velocity for Flow Rates in Stacks and Ducts. A public hearing has been scheduled for 25 October 2000, and written comments will be accepted until that date. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

**General Waste Tire Revisions (LAC 33:VII.Chapter 105).** LDEQ is proposing revisions to rules governing the disposal of waste tires. The rules will clarify definitions, increase the marketing payments to waste tire processors from \$1.00 per 20 pounds of waste tire material to \$1.50, simplify the standards for generators, transporters and recyclers, and implement a fee on off-road tires weighing more than 100 pounds. A similar proposal was previously published and withdrawn. A public hearing has been held and the comment period has closed. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

## NEW MEXICO

## Legislative/Regulatory Activity

There is no regulatory activity for the State of New Mexico to report in this issue.

## OKLAHOMA

## Legislative/Regulatory Activity

### STATE OF OKLAHOMA FINAL RULE

**Appendix E: Primary Ambient Air Quality Standards; Appendix F: Secondary Ambient Air Quality Standards.** ODEQ has adopted amendments to Appendices E and F to restore the primary and secondary national ambient air quality standards (NAAQSs) to what they were prior to 18 July 1997. The 8-hour ozone standard of 0.08 parts per million (ppm) has been revoked and the 1-hour ozone standard of 0.12 ppm has been restored. The PM-2.5 standard has been revoked along with the revised form of the PM-10 standard, and replaced with the previous form of the PM-10 standard. The effective date of these amendments was 12 June 2000.

## TEXAS

## Legislative/Regulatory Activity

### STATE OF TEXAS FINAL RULES

**Control Technique Guidelines' (CTG) RACT Emission Limitations (30 Texas Administrative Code [TAC] 115.421-115.427 and 115.429).** TNRCC has adopted a rule proposal that adds the CTG's RACT emission limitations for aerospace manufacturing and rework operations to facilities which are located in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas and have uncontrolled VOC emissions of at least 3 pounds per hour and 15 pounds in any consecutive 24-hour period. The amended rule also applies the CTG's RACT requirements to facilities located in Gregg, Nueces, and Victoria counties with uncontrolled VOC emissions of at least 550 pounds in any continuous 24-hour period. Once the applicable exemption threshold is exceeded, the CTG limitations involving VOC content and application requirements become mandatory. This rule was effective 20 July 2000.

**Voluntary Emission Reduction Permits (VERPs) Phase 2 (30 TAC 116).** TNRCC has developed a program for grandfathered air pollution sources to voluntarily submit to the permitting process. The VERPs were authorized by 1999 legislation (Senate Bill 766). Phase 2 of this rulemaking includes adding de minimus rule language to Chapter 115 Subchapter B; adding permits by rule language to Chapter 106 Subchapter A; and creating a new subchapter in Chapter 116 for Multiple Plant Permits. The effective date of this rule was 4 September 2000. *For further information, please contact Beecher Cameron, TNRCC, at (512) 239-1495.*

**Compliance Assurance Monitoring (CAM) (30 TAC 122).** TNRCC has adopted a rulemaking to provide the regulatory structure necessary to implement CAM and create a streamlined implementation option for sources subject to CAM. The streamlined implementation option will be based on the use of general operating permits to establish CAM options for sources subject to 40 CFR Part 64. Similar procedures to allow the implementation of periodic monitoring through general operating permits will also be established. The effective date of this rule was 4 September 2000. *For further information, please contact Beecher Cameron, TNRCC, at (512) 239-1495.*

**General Permits Revisions (30 TAC 205).** TNRCC has adopted new and amended sections of Chapter 205 to implement House Bill 1283 of the 76th Texas Legislature (1999). Among other changes, this proposal addresses the provisions of House Bill 1283: removing the limitation that general permits cannot authorize discharges of more than 500,000 gallons in any 24-hour period; providing that the Commission may issue a general permit for storm water discharges without having to make the findings required by TWC, Section 26.040(a)(1) – (5) for other categories of



discharges; and adding a requirement that the Commission deny or suspend a discharger's authority under a general permit if the Commission determines that the discharger operates any facility for which the discharger's compliance history contains violations constituting a recurring pattern of egregious conduct that demonstrates a consistent disregard for the regulatory process, including a failure to make a timely and substantial attempt to correct the violations. The new and amended sections also are being proposed to simplify the rule language, change the term "Commission" to "Executive Director" or "Agency," as appropriate, and to clarify the requirements and procedures for issuing a general permit and obtaining authorization for discharge under a general permit. The effective date of this rule was 13 September 2000.

**Adoption of Federal Drinking Water Rules (30 TAC 290).** TNRCC has adopted a rule to implement the federal Stage 1 Disinfectants and Disinfection By-products Rule (63 FR 69390) and the federal Interim Enhanced Surface Water Treatment Rule (63 FR 69478). The Commission extended the federal surface water treatment rule to include public water systems that service less than 10,000 people. The proposal also amends the state design criteria for drinking water treatment plants. The effective date of this rule was 13 September 2000. *For further information, please contact Jack Schulze, TNRCC, at (512) 239-6046.*

**Drinking Water Consumer Confidence Reports (30 TAC 290.271 – 290.275).** TNRCC has adopted revisions in order to implement a federal rule requiring community water systems to prepare and provide to their customers annual consumer confidence reports on the quality of the water delivered by the systems. The effective date of this rule was 21 August 2000. *For further information, please contact Bruce Moulton, TNRCC, at (512) 239-4809.*

**Definition of Low-Level Radioactive Waste (30 TAC 336).** TNRCC has adopted a proposal to revise the agency's radiation control rules. One goal of the rule package was to implement House Bill 1172 of the 76th Legislature (1999). Changes in this regard are (1) amending the definition of low-level radioactive waste to be compatible with the United States Nuclear Regulatory Commission's definition, (2) incorporating TNRCC's new authority to exempt from application of a rule, (3) adding an exemption to continue or expand on-site low-level radioactive waste disposal begun before 9 September 1989, and (4) adding exemptions from radioactive material licensing requirements for facilities participating in the Voluntary Cleanup Program or Superfund cleanups. The effective date of this rule was 14 September 2000. *For further information, please contact Hygie Reynolds, TNRCC, at (512) 239-6825.*

**Northeast Texas Flexible Attainment Region SIP.** The Northeast Flexible Attainment Region Memorandum of Agreement calls for the immediate implementation of SIP measures to occur. The Agreed Order will allow for the quantifiable and enforceable revisions to the SIP which the affected party agreed to implement in order to reduce voluntary organic compound emissions to improve the local air quality. The effective date was 19 April 2000.

## **STATE OF TEXAS PROPOSED RULE**

**Houston-Galveston SIP Revisions.** TNRCC is proposing various air quality rules and revisions to the Houston-Galveston Area's Attainment Demonstration SIP. An example of the proposed actions includes a speed limit of 55 miles per hour (mph) on all roadways with a current maximum limit of above 55 mph, starting 1 May 2002.

**Counsel Comment:** Working with the Corpus Christi Army Depot and the Air Force Center for Environmental Excellence – Dallas Regional Office, the Central Regional Environmental Office assisted in the preparation, development and filing of comment on the potential impact of JP-8 being classified as "diesel" fuel. The classification of JP-8 as diesel fuel is an issue nationwide and could negatively impact Army training and readiness, as JP-8 can be used in Humvies, tanks and helicopters. The comments were filed on 25 September 2000 and were also read into the record that same day at the TNRCC public hearing on the proposals in Corpus Christi, Texas.

## **OTHER REGULATORY ACTIVITY**

**Quadrennial Review of Chapter 294, Underground Water Management (30 TAC 294).** TNRCC has conducted a quadrennial review of Chapter 294 and readopted the chapter. The effective date of this rule was 19 June 2000.

**Amendments to Chapter 294, Underground Water Management (30 TAC 294).** TNRCC will amend Chapter 294 to clarify certain passages and ensure that the chapter language conforms to changes made by the

76th Legislature. The Department does not have a timeline for issuing a proposal. *For further information, please contact Auburn Mitchell, TNRCC, at (512) 239-1873.*

**Quadrennial Review of Chapter 305, Consolidated Permits (30 TAC 305).** TNRCC has conducted a review of this chapter to determine if the need for the rules continues to exist. The comment period closed on 3 September 2000; TNRCC did not receive any comments on this proposal. The proposal was adopted 4 October 2000, with an effective date of 26 October 2000. *For further information, please contact Debi Dyer, TNRCC, at (512) 239-3972.*

**Quadrennial Review of Chapter 327, Spill Prevention and Control, and Chapter 343, Oil and Hazardous Substances (30 TAC 327).** A review of these two chapters determined that they are needed but that they should be combined. Staff plans to propose several language clarifications as well. *For further information, please contact Hector Mendieta, TNRCC, at (512) 239-6694.*

## REGION VII STATE ACTIVITY

### Region VII State Agency Web Sites

Iowa Department of Natural Resources	<a href="http://www.state.ia.us/government/dnr/index.html">http://www.state.ia.us/government/dnr/index.html</a>
Kansas Department of Health and Environment	<a href="http://www.kdhe.state.ks.us/">http://www.kdhe.state.ks.us/</a>
Missouri Department of Natural Resources	<a href="http://www.dnr.state.mo.us/homednr.htm">http://www.dnr.state.mo.us/homednr.htm</a>
Nebraska Department of Environmental Quality	<a href="http://www.deq.state.ne.us/">http://www.deq.state.ne.us/</a>

## IOWA

## Legislative/Regulatory Activity

### STATE OF IOWA FINAL RULES

**Air Quality Rules (NESHAPs) (Iowa Administrative Code [IAC] Chapters 22 – 25).** The purpose of this rulemaking was to adopt by reference three NESHAPs that were promulgated by the U.S. EPA for the following source categories: (1) hazardous waste combustors, (2) publicly owned treatment works, and (3) amino/phenolic resin production units. The U.S. EPA has approved the Iowa Department of Natural Resources' (IDNR) 111(d) plan for hospital and medical infectious waste incinerators. Also included in the rulemaking is the adoption of a U.S. EPA-approved method for a drift calibration procedure in continuous opacity monitors. This rulemaking proposes that the number of copies of information for Title V permitting, specifically the emission inventories and the paperwork associated with the fee submittal, be reduced. It also proposed a requirement to notify the Department of a change in ownership of equipment covered by a construction permit. The rulemaking proposes to prohibit the open burning of certain materials when a local recycling program in the community would accept this material. The rulemaking also proposed to make changes to the provisions pertaining to when excess emissions are violations. *For further information, please contact Monica Wnuk, IDNR, at (515) 281-7212.*

**Water Supply and Environmental Laboratory Certification (IAC Chapters 40 – 43, 83).** Updates to the public drinking water supply and laboratory certification rules have been adopted by IDNR to reflect new U.S. EPA regulations as well as to make changes required by the U.S. EPA as a result of their review of the 1999 drinking water rule changes. The rule amendments include (1) new and amended definitions; (2) grammatical changes; (3) analytical methodology updates; (4) a disinfectants/disinfection byproducts rule, in accordance with U.S. EPA regulations; (5) an interim enhanced surface water treatment rule, in accordance with U.S. EPA regulations; (6) restructuring of the operation permit fee to (a) adopt a late fee of \$100 for systems which fail to renew their operation permits, (b) allow the director to increase or decrease the operation permit fee by \$0.02 per capita, and (c) streamline the rule; and (7) allowing the use of third-party performance evaluation sample providers for drinking water laboratory certification. The effective date of this rule is 22 November 2000.

**Triennial Review – Phase I, Water Quality Standards (IAC Chapter 61).** IDNR has adopted changes to Iowa's water quality standards, which are effective 8 November 2000. These changes include (1) modifications to the ammonia nitrogen criteria for aquatic life protection, (2) modifications to the descriptive basis for the Class C criteria, (3) allowance for consideration of total residual chlorine demand in the mixing zone, (4) establishment of procedures for seasonal ammonia limits, (5) modifications to the critical low stream flows referenced in the standards, (6) modifications to the stream use designations for several waterbodies, and (7) modifications to the aquatic life criteria for aluminum, mercury, dieldrin, endrin, lindane, pentachlorophenol, silver and toxaphene.

**Unprotected Nongame (IAC Chapter 76).** IDNR adopted an amendment to remove the timber rattlesnake and the common garter snake from the Unprotected Nongame list. Removal from the list would confer protection to the snakes. The Department adopted this amendment to prevent commercial exploitation of the snakes and to protect the snakes. Penalty for violation of the rule is a scheduled fine of \$50, with a surcharge of \$30, for a total fine of \$80. Each snake killed is a separate violation. The effective date of this rule is 11 October 2000. *For further information, please contact Randy Edwards, IDNR, at (515) 281-6154.*

**Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs) (IAC Chapter 135).** IDNR has adopted an emergency rule that allows testing for MTBE on soil and water samples to stop at sites when MTBE is not found during Tier 2 or Tier 3 investigations or current site monitoring. The emergency rule was effective 29 September 2000. The Department is providing an opportunity for public comment to the emergency adopted rule. Comments must be received by 7 November 2000. *For further information, please e-mail Jim Humeston, IDNR, at [Jim.Humeston@dnr.state.is.us](mailto:Jim.Humeston@dnr.state.is.us).*

## STATE OF IOWA DISCUSSION

**Review of Solid Waste Rules.** IDNR is beginning discussions reviewing the state's solid waste rules. The Department plans to reorganize the rules to make them easier to use. The Department expects to propose the following: (1) rules for transfer stations, which are not currently regulated, (2) rules for appliances, to establish a permitting program for appliances for mercury and PCB components, (3) land application waste rules, to require permits for land farming of petroleum-contaminated soil, (4) landfill rules, specifically to require landfills to install gas monitoring wells and to establish cap requirements for landfills, and (5) reorganization of the Solid Waste Comprehensive Plan and rules on disposal of farm waste. IDNR is currently finishing an assessment, on which rules need to be addressed, for the Governor's office. The Department does not have a timetable for proposing any amendments.

## OTHER REGULATORY ACTION

**IDNR Rules Review Project.** The collection of public comments on IDNR rules, relating to the IDNR Rules Review Project, has been completed. Comments were received on the air quality program, UST program, solid waste program, the Parks, Recreation and Preserves Division, and the Fish and Wildlife Division. Currently, the internal assessment of IDNR rules, on a chapter-by-chapter basis, is occurring. A few major rules review projects utilizing work groups of stakeholders and other constituents are anticipated. At this point, two of the major projects will involve the solid waste rules and IDNR's contested case rules. The IDNR Assessment Report should be drafted in Fall 2000, with public comments on the report solicited in November or December 2000. When the report is finalized in early 2001, it will be submitted to the Governor.

**Triennial Review - Phase II, Water Quality Standards (IAC Chapter 61).** IDNR began work in early 2000 discussing amendments to its water quality regulations as part of Phase II of its Triennial Review of water quality standards. The areas being considered for Phase II review are (1) using *E. coli* as a measure of pathogens instead of fecal coliform, (2) new or revised numeric criteria for ammonia, newer-generation pesticides, and bacteria, (3) revising the methods the Department uses to develop water quality-based effluent limits, (4) establishing biological standards, (5) establishing procedures for identifying waters that are used for swimming and other contact recreation uses (Class A designation), (6) developing criteria for wetlands, and (7) developing implementation protocols for the antidegradation policy. IDNR expects to send its proposal to the technical advisory committee in October 2000, and does not anticipate publishing the proposal for public comments until January or February 2001. *For further information, please contact Ralph Turkle at (515) 281-7025.*

## KANSAS

## Legislative/Regulatory Activity

## STATE OF KANSAS FINAL RULE

**Amendments to Kansas Water Appropriation Act (Kansas Administrative Rule [KAR] 5).** KDHE's Division of Water Resources adopted amendments to the Kansas Water Appropriation Act, Groundwater Management Districts and Water Structure Laws. These amendments address (1) use of water flow meters, (2) water permits, (3) water conservation plans, (4) water rights, (5) groundwater management, (6) enforcement, (7) Groundwater Management District No. 1 in Western Kansas, No. 3 in Southwest Kansas, and No. 5 in Big Bend, and

(8) water structure laws. These effective date of these amendments was 22 September 2000. *For further information, please contact Karl Muedener, KDHE, at (785) 296-5500.*

## **STATE OF KANSAS PROPOSED RULES**

**Criteria Changes for Arsenic, Endrin and Ammonia (KAR 28-16-28b, 28-16-28e).** KDHE is proposing amendments to its water quality standards. The Department is proposing to revise the definition of "background concentration." The Department also is proposing housekeeping changes of arsenic, endrin and ammonia standards. KDHE expected to adopt the amendments by 1 October 2000. The amendments will then be sent to the U.S. EPA for approval. If they are approved by the U.S. EPA, the Department anticipates implementing the amendments between the end of October and December 2000. *For further information, please contact Steve Swaffar, KDHE, at (785) 296-5508.*

**Water Quality Standards – Adopt a Federal Rule.** KDHE is proposing amendments to its water quality standards. The amendments will change the fecal coliform standard from a geometric mean of 200 coliforms per 100 milliliters to a grab sample of 900 coliforms per 100 milliliters. The Department has proposed some housekeeping changes of arsenic and endrin standards, and will review its minimum flow standard. KDHE also is planning to increase its chronic chloride standard from 238 milligrams per liter to 358. Finally, the Department will review its definition of "waters." Other standards also are likely to be considered for amendment. The U.S. EPA has held public hearings, and comments are due by 16 October 2000. *For further information, please contact Karl Muedener, KDHE, at (785) 296-5500.*

## **OTHER REGULATORY ACTIVITY**

**Adoption of Federal RCRA Updates and Hazardous Waste Permit Fees.** KDHE is preparing another package of amendments to its hazardous waste management regulations. The Department will be proposing to adopt by reference federal RCRA amendments promulgated from 1 July 1996 to 30 June 1999, including the military munitions rule, post-closure rules, hazardous waste identification rule for media, and phase IV land disposal restrictions. The Department has decided to adopt federal regulations promulgated through 1 July 2000, including the maximum available control technology (MACT) rules and hazardous waste lamp rules. The package also will include amendments to hazardous waste permit fees, a recent decision by KDHE. These amendments would establish a \$100/year fee for all Kansas generators, and would increase the transporter fee from \$250/year to \$300/year. The Department expects to propose these amendments, at the earliest, in December 2000. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

Counsel Comment: KDHE is in the process of completing its internal review and approval of these proposals. KDHE anticipates that a public hearing on these proposals will be scheduled for late Spring 2001. These proposals are worth following as KDHE expects these proposals to include a substantial increase in hazardous waste permit fees.

**Revision to Medical Waste Rules.** KDHE is considering several amendments to its solid waste rules regarding medical waste. A draft rule may be ready as early as October 2000. A public hearing is planned for December 2000 or early 2001. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

**Solid Waste Rule Amendments.** KDHE is drafting amendments to its solid waste rules. According to Department staff, the amendments will cover groundwater, permit fees and vertical expansion. KDHE is finishing up the package and anticipates issuing a proposed rule in December 2000 or early 2001. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

Counsel Comment: KDHE still has not completed its internal review and approval of these proposals. The main purpose of the rule is "housekeeping," so as to streamline the groundwater monitoring regulations for municipal solid waste landfills. In this proposal, KDHE is proposing very modest increases in permit fees. A public hearing on these proposals will be held in February 2001 at the earliest. It is far more likely that the public hearing will be held in late Spring 2001.

## STATE OF MISSOURI PROPOSED RULE

### **SIP Revision for St. Louis Attainment Demonstration and St. Louis Rate of Progress (ROP) Plan.**

MDNR is proposing changes to its St. Louis Attainment Demonstration SIP and the St. Louis ROP Plan. The SIP is being amended to comply with the new ozone standard and transport SIP call. The changes in the ROP Plan will include reformulated gasoline and associated VOC reduction credits and document changes in the Inspection/Maintenance program. A public hearing was held, and the Air Conservation Commission adopted the proposals on 21 September 2000. The approved proposals will be submitted to the U.S. EPA within a few days. *For more information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.*

## STATE OF MISSOURI DISCUSSION

**Adoption of 1998, 1999 and 2000 Federal RCRA Rules.** MDNR is drafting its next RCRA update. This update would incorporate all federal RCRA rules adopted since July 1997. The major items the Department expects to address are (1) post-closure rule, (2) hazardous waste identification for media, (3) Phase IV land disposal restrictions, and (4) MACT fast track rules. The Department received U.S. EPA's authorization for its adoption of the 1997 RCRA rules. MDNR will submit its final rule for military munitions, universal waste and used oil in the next round of U.S. EPA authorizations. The Department has not yet submitted its request for authorization for the 1998, 1999 and 2000 federal rules, but anticipates doing so by the end of 2000. *For further information, please contact Tim Eiken, MDNR, at (573) 526-2737.*

**UST Registration Requirements.** MDNR is discussing amendments to its UST rules regarding tank registration. The amendments may establish an annual survey of tank owners to update registration records. Tank owners would only be required to return the survey if their registration information had changed in the past year. The amendments may require owners to update registration every other year rather than every year. The Department is still discussing the contents of its proposal. MDNR does not have a timeline for rulemaking and does not expect to adopt amendments until at least September 2002. *For further information, please contact Tim Eiken, MDNR, at (573) 526-2737.*

## OTHER REGULATORY ACTIVITY

**Comments on Hazardous Waste Fees and Taxes (10 Code of State Regulations 25-12.010[1][A] and [2]).** MDNR, which must annually establish by rule a generator fee rate, is proposing to keep the existing \$1.00 per ton fee rate. The Department also is proposing that the basis for assessing license hazardous waste transporter fees will change from the current system to a system that includes both an annual application fee, plus a usage fee based on hazardous waste tonnage, mileage or both. Senate Bill 577, passed by the 2000 General Assembly and signed into law by Governor Carnahan, requires that Missouri's hazardous waste transporter license fee consist of an annual application fee plus an annual usage fee. MDNR anticipates adopting the rule by Fall 2001. Until then, the Department will implement a temporary licensing fee system consisting of an annual application fee in an amount equal to a fee based on the current licensing system. The comment period has closed. *For further information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.*

**Risk-Based Remediation of Groundwater (MRS 644.143).** MDNR is required to establish procedures for risk-based remediation for groundwater contamination. The cleanup standards will be based on the risk to human health and the environment. The draft rule includes (1) definitions, (2) conditions under which sites will not be eligible under the rule, (3) the application process, (4) site characterization, (5) risk assessment, (6) groundwater remediation plan, (7) public participation, (8) approval for alternative cleanup standards/approval of final remedies incorporating risk-based groundwater cleanup standards, (9) point of compliance, (10) monitored natural attenuation, (11) reimbursement, (12) financial assurance, (13) penalties, (14) natural resources damages, and (15) dispute resolution. The Department is seeking input on the issue of Exposure Assessment. MDNR sent out draft rules for 30-day external review by interested parties and organizations on 5 September 2000. The Department will use those comments in preparing the rule for formal proposal. The Department hopes to file a proposed rule with the Secretary of State in December 2000 to begin the 10- to 12-month formal rulemaking process. *For further information, please contact Earl Pabst, MDNR, at (573) 751-1387.*



Counsel Comment: MDNR hopes to file this proposal with the Secretary of State by 15 November 2000. If the agency does file by that date, a public hearing will be scheduled for 23 January 2001. This is an important rule to follow because, although the applicable statute was added to the Clean Water Laws, the impact of this risk-based proposal will be across a variety of media including solid waste, hazardous waste management and USTs.

## STATE OF MISSOURI GUIDANCE DOCUMENT

**Final Nonpoint Source Management Plan (NPSMP).** The NPSMP describes the methods MDNR will use to address the various types of nonpoint source pollution in the state. The NPSMP identifies and prioritizes impaired waters and includes a plan and schedule to address those waters. The plan supports implementation of voluntary water quality management plans. The plan also identifies sources of funding for nonpoint source projects and describes projects that have been funded, including an overview of current watershed projects funded in Missouri. The U.S. EPA approved the plan in June 2000 and the plan is now final. *For further information, please contact Lisa Sowa, MDNR, at (573) 526-5297.*

Counsel Comment: The guidance document was approved by the U.S. EPA in June 2000. The drafting on this plan was required by the U.S. EPA as a requirement for funding of the MDNR program, and it replaces the prior plan which was 10 years old. The plan can be viewed at <http://www.dnr.state.mo.us/deq/wpcp/wpcnpsmp.htm>. Please note that it could take up to 10 minutes to download this document.

### NEBRASKA

### Legislative/Regulatory Activity

## STATE OF NEBRASKA FINAL RULE

**Integrated Solid Waste Rules Revisions (Title 132).** Integrated solid waste management rules were amended by a final rule issued by the Nebraska Department of Environmental Quality (NDEQ). The rule adds requirements for financial assurance, relevant point-of-compliance, and alternate final cover design; revises provisions governing disposal of special and delisted wastes; and clarifies provisions on delisted waste disposal and burying dead animals in landfills, fossil fuel combustion ash disposal areas, and waste management unit boundary and multi-unit groundwater monitoring systems. The rule also deletes redundant and expired provisions, updates references, reorganizes and renumbers provisions, and makes editorial corrections. The effective date of this rule was 27 May 2000. *For more information, please contact NDEQ at (402) 471-2186.*



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